



Board of Adjustment Case Report

City of Raleigh
Department of City Planning
One Exchange Plaza
Raleigh, NC 27601
(919) 996-2626
www.raleighnc.gov

Case File: A-98-16

Property Address: 419 S. East Street

Property Owner: The City of Raleigh

Project Contact: Fred Belledin

Nature of Case: A request for a 5' variance to reduce the width of the zone A protective yard requirements set forth in Section 3.5.3.A. of the Unified Development Ordinance along the southern property line as well as a variance to place the wall required therein on the subject property side of the zone A planting area as well as a variance from the wall articulation requirements of Section 7.2.8.B.5. for the interior side of the wall which results in a 5' wide zone A protective yard with landscaping on the outside of the wall on a .27 acre parcel zoned IX3-UL-CU to be developed with a two-story general building used for commercial purposes.



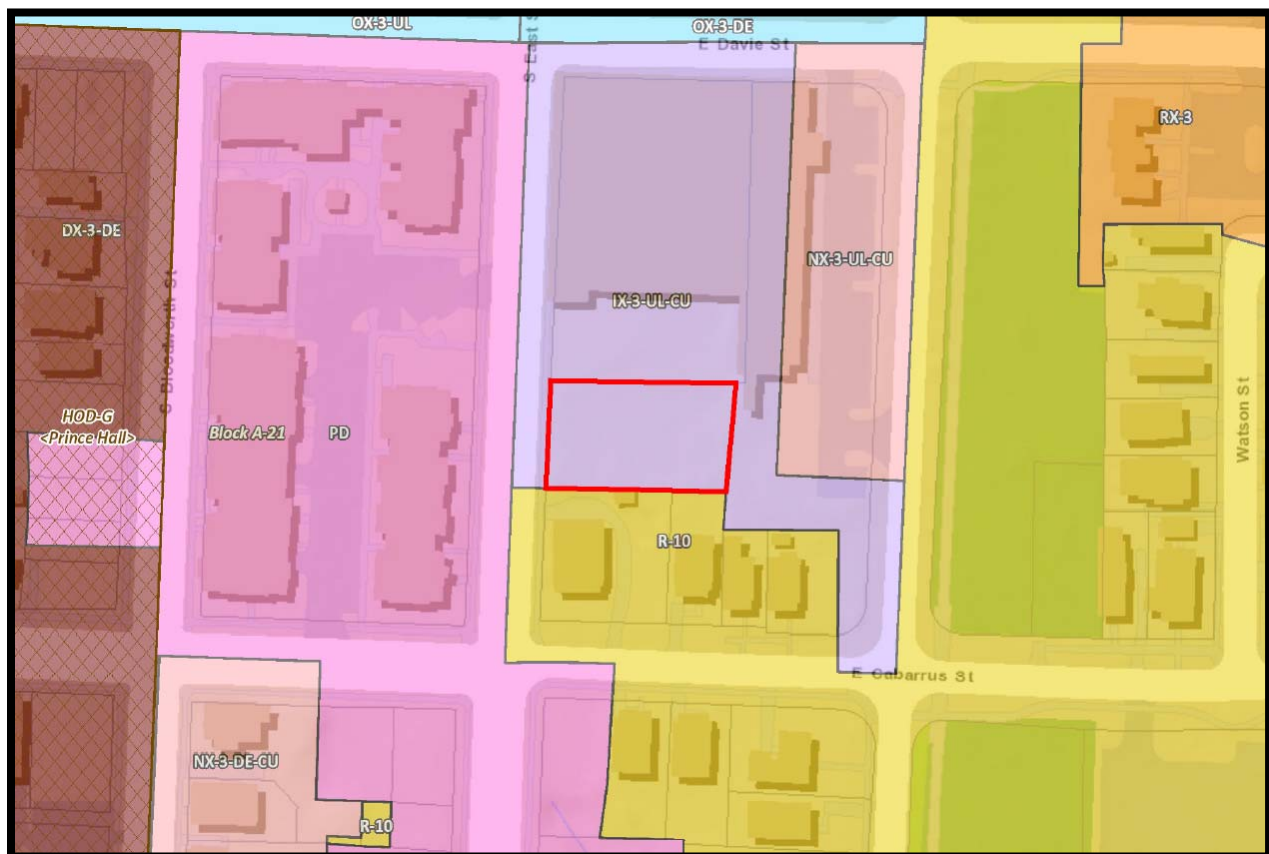
419 S. East Street – Location Map

To BOA: 8-8-16

Staff Coordinator: Eric S. Hodge, AICP

ZONING

DISTRICTS: Industrial Mixed-Use-3, Urban Limited Conditional Use



419 S. East Street – Zoning Map

VARIANCE STANDARDS: In accordance with UDO [§10.2.10 Variance](#), before a variance request is granted, the Board of Adjustment shall show all of the following:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions

that are common to the neighborhood or the general public, may not be the basis for granting a variance.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.

Sec. 3.5.3. Zone A: Protective Yard

A. Type 1: Narrow (10 feet)

1. Width

A Type 1 protective yard must be an average width of at least 10 feet.

2. Installation Requirements

A Type 1 protective yard must include the following:

- a. A wall between 6.5 and 9 feet in height;
- b. Four shade trees per 100 lineal feet;
- c. Three understory trees per 100 lineal feet; and
- d. 40 shrubs per 100 lineal feet.

B. Type 2: Medium (20 feet)

1. Width

A Type 2 protective yard must be an average width of at least 20 feet.

2. Installation Requirements

A Type 2 protective yard must include the following:

- a. A wall or fence between 6.5 and 9 feet in height;
- b. Five shade trees per 100 lineal feet;
- c. Four understory trees per 100 lineal feet; and
- d. 30 shrubs per 100 lineal feet.

C. Type 3: Wide (50 feet)

1. Width

A Type 3 protective yard must be an average width of at least 50 feet.

2. Installation Requirements

A Type 3 protective yard must include the following:

- a. Six shade trees per 100 lineal feet;
- b. Five understory canopy trees per 100 lineal feet; and
- c. 60 shrubs per 100 lineal feet.



3. Optional Provisions

- a. A fence or wall between 6.5 and 8 feet in height may be installed.
- b. In lieu of planting required shrubs, a berm with a minimum height of 3 feet may be installed.

4. Permitted uses

- a. Landscaping, fences, walls and berms.
- b. Swales, underground detention facilities and bioretention facilities.
Detention facilities must be located at least 20 feet from the district boundary line. Landscaping quantities specified in Sec. 3.5.3.C.2. above may not be reduced.

D. Design and Installation

- 1. A required protective yard may be replaced with a tree conservation area that meets the requirements of Article 9.1, *Tree Conservation*.
- 2. Required landscaping in a protective yard must meet the design and installation requirements of Sec. 7.2.4.

Section 7.2.8. Walls and Fences

A. Applicability

The following requirements apply to walls and fences located outside of a protective yard or required screening area.

B. General Standards

1. Fences and walls must be constructed of high quality materials including 1 or a combination of the following: decorative blocks; brick; stone; caststone; architectural block; split-faced block; stucco over standard concrete masonry blocks; glass block; wood; wrought iron; composite fencing; wire, PVC vinyl; aluminum; metal or other material approved by the Planning and Development Officer.
2. No wall or fence may be located within any required drainage or utility easement or similar City of Raleigh easement.
3. Barbed wire or concertina wire may be allowed in accordance Sec. 13-3011.
4. Except in an IH District, chain-link fences are not allowed in any front or side street setback.
5. ***The maximum length of a continuous, unbroken and uninterrupted fence or wall plane shall be 100 feet. Breaks shall be provided through the use of columns, landscaped areas, transparent sections or a change in material.***
6. Except in an IH District, a wall or fence not more than 6 feet height may be located in a front or side street setback, provided the opacity of the wall or fence above 4 feet in height exceeds 50%.
7. A wall or fence may not exceed 8 feet in height in a side or rear setback.

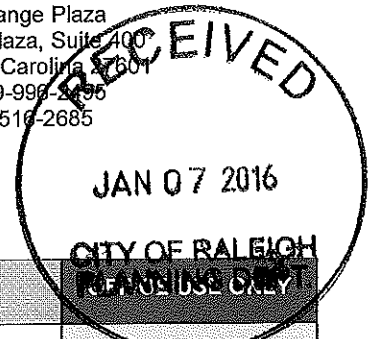
C. Fences and Walls Adjacent to Thoroughfares

1. A fence or wall located within 20 feet of a Thoroughfare right-of-way shall either be less than 42 inches in height or situated at least 15 feet from the edge of the right-of-way and be screened with evergreen planting materials, so that no more than one-fourth of the fence or wall surface area will be visible from the Thoroughfare within 3 years of erection of the fence or wall.
2. All fences and walls that are more than 42 inches in height and are located between 20 and 40 feet from any Thoroughfare right-of-way shall be installed with planting materials, so that no more than one-third of the fence or wall surface area will be visible from the Thoroughfare within three years of erection of the fence or wall. 40% of this plant material may be deciduous. Decorative fences that are more than 50% open shall be exempt from these provisions.



Planning & Development

Development Services
Customer Service Center
One Exchange Plaza
1 Exchange Plaza, Suite 400
Raleigh, North Carolina 27601
Phone 919-996-2496
Fax 919-516-2685



Variance Application

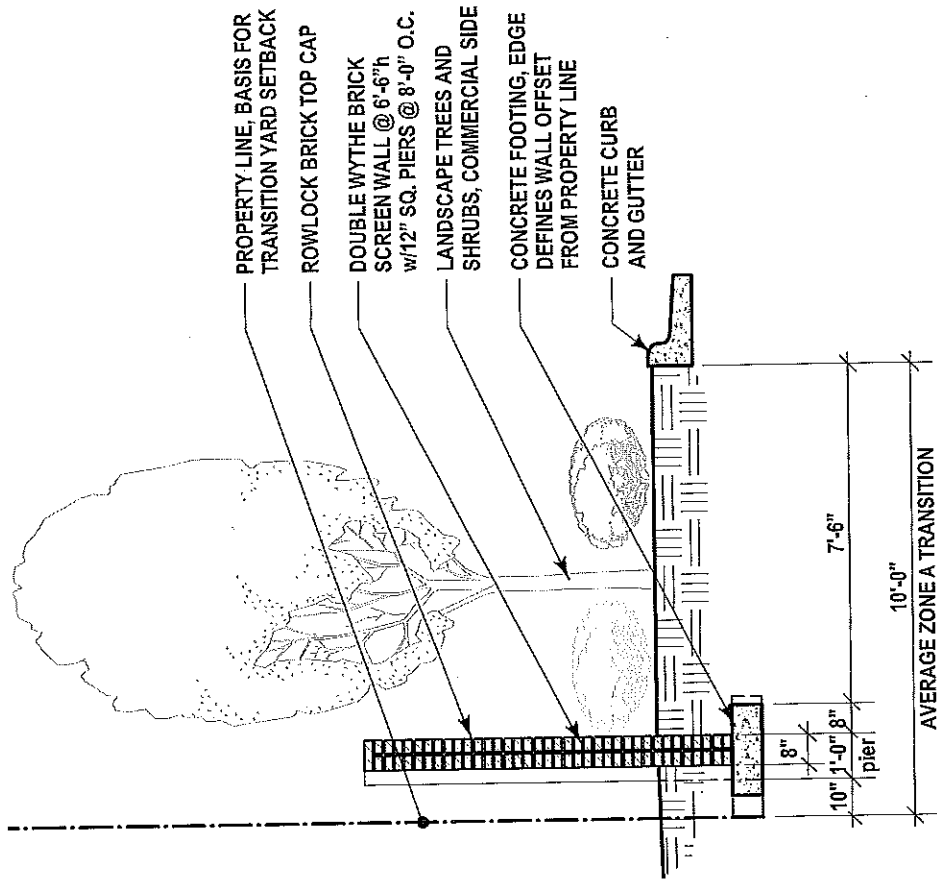
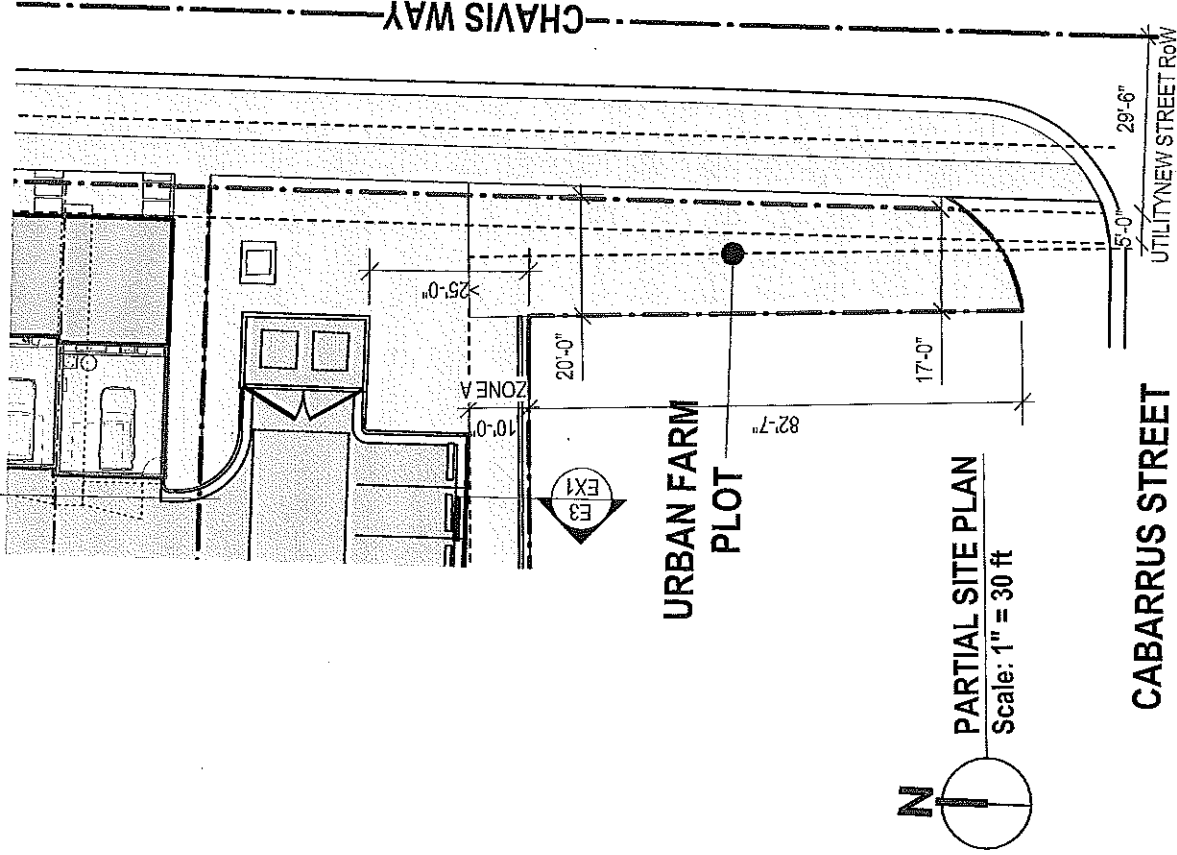
Nature of variance request (Submit addendum on separate sheet, if more space is needed.) 1) Eliminate Neighborhood Transition at undevelopable sliver of property. 2) Reduce Zone A planting area of Neighborhood Transition from 10' to 5' to allow 5' increase in width of public courtyard (Zone B (50' per UDO) will not be reduced) and locate masonry screen wall on subject side of property per neighbor request w/ vine pocket and vines to provide wall articulation. Please see attachments for additional information.	Transaction Number A-97-16 + A-98-16
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences. If this property was the subject of a previous variance request, provide the case number.	

GENERAL INFORMATION		
Property Address 500 E Davie Street, 419 S East Street, 400 Chavis Way		Date 01/08/16
Property PIN 1703971116, 1703971002, 1703972131	Current Zoning IX-3-UL, NX-3-UL	
Nearest Intersection S East Street / E Davie Street		Property size (in acres) 0.83, 0.27, 0.92
Property Owner City of Raleigh Assistant City Manager Marchell Adams David	Phone 919.996.3070 (x4656)	Fax N/A
	Email	
Project Contact Person Fred Belledin	Phone 919.821.2775	Fax N/A
	Email fbelledin@clearscapes.com	
Property Owner Signature <i>Marchell Adams David</i>	Email marchell.adams-david@raleighnc.gov	
Notary Sworn and subscribed before me this <u>7th</u> day of <u>January</u> , 20 <u>16</u>	Notary Signature and Seal <i>Karen J Turner</i> <div style="border: 1px solid black; padding: 5px; display: inline-block;">KAREN J TURNER NOTARY PUBLIC Harnett County, NC</div>	

It is improper to contact any member of the Board of Adjustment prior to the disposition of a case to discuss the request. A variance application will not be considered complete until all required submittal components listed on the Variance Checklist have been received and approved.



TOWNHOMES, UNIT C



E3 SECTION DETAIL, Masonry Wall
Scale: 1/4" = 1'-0" Zone A

NOTE: THIS DETAIL IS THE STANDARD ZONE A FOR THE PROJECT AND IS PROVIDED AS REFERENCE ONLY.

PROPOSED COMMERCIAL
TRANSFORMER LOCATION

PARTIAL ELEVATION, Masonry Wall
Scale: 1/4" = 1'-0" **Zone A**

SECTION DETAIL, Masonry Wall
Scale: 1/4" = 1'-0" **Zone A Modified**

NOTE: THIS DETAIL IS THE REQUESTED ALTERNATE ZONE A PROPOSED FOR VARIANCE REQUEST No.2. SEE PARTIAL SITE PLAN ABOVE FOR LOCATION.

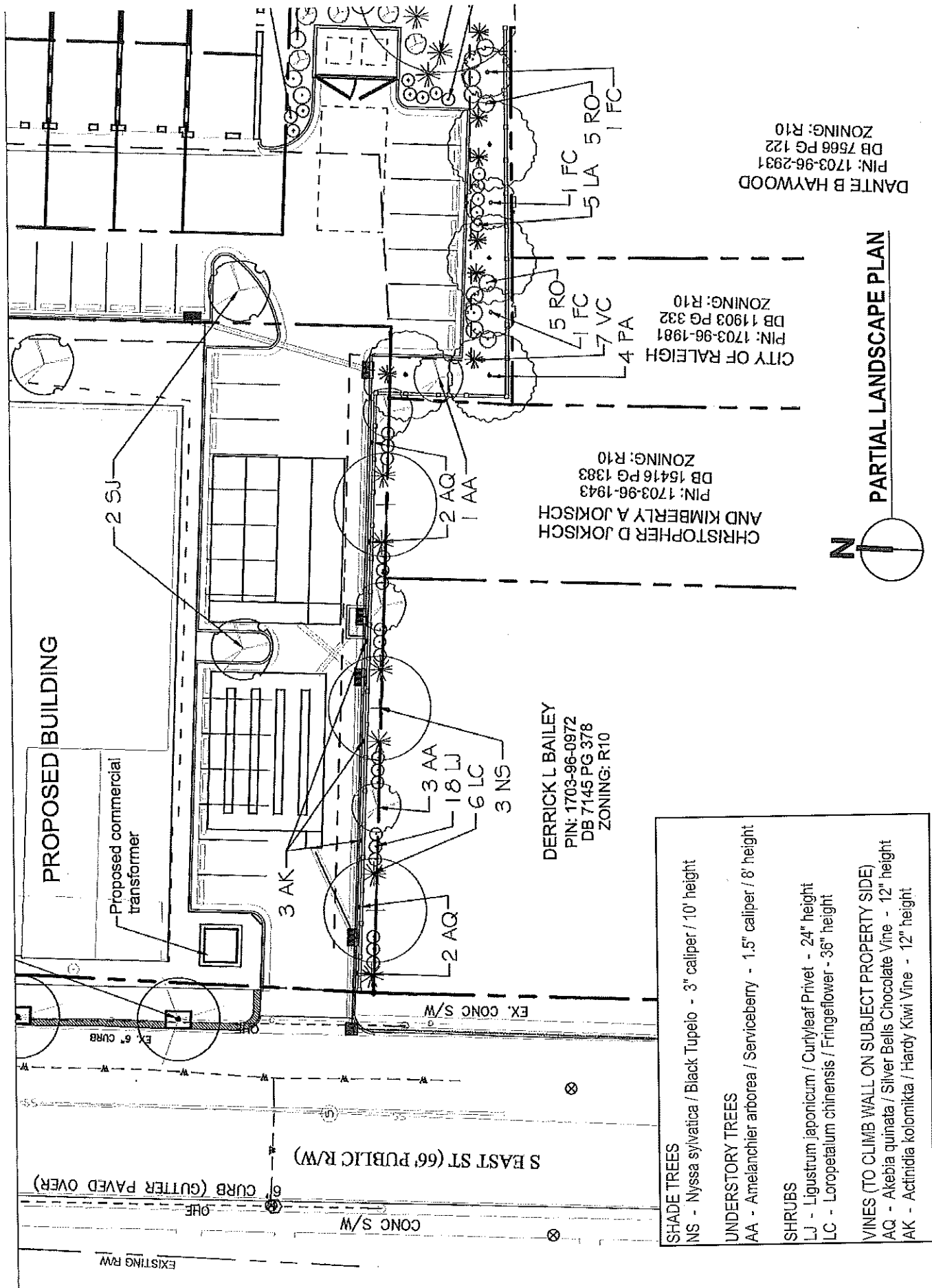


Exhibit 3 for Variance Request

Variance Request for Stones Warehouse Site (500 E Davie, 419 S East, 400 Chavis Way)

The southern boundary of the Stones Warehouse site adjoins (4) single-family residences (501, 509, 515, and 517 East Cabarrus Street). As the subject property is zoned IX-UL-3 and NX-UL-3 and the adjoining properties are zoned R-10, Neighborhood Transitions are required per UDO Section 3.5.1. Given the irregular parcel delineations, the grade of the site, the confirmed preferences of the impacted adjoining neighbors, and the unique conditions imposed on the sale of the property by the City, two variances are requested to allow for an alternative approach to the Neighborhood Transition Zone A (Protective Yard).

Please note that the Stones Warehouse Site is currently owned by the City of Raleigh. City Council has authorized the sale of this site to Transfer Development Company. The purchase agreement has been approved by the Housing and Neighborhoods Department and is currently being routed through City Administration. The closing is scheduled to occur in the second quarter of 2016 (see attached memo for reference). Based on above, this application is being submitted by Transfer Development Company on behalf of the City of Raleigh by authority of Assistant Manager Marchell Adams David. It is understood that the variance request, if approved, would apply only if and upon the sale of the property as outlined above. If desired by the City or the Board of Adjustment, this may be included as a condition of approval.

Variance Request #1

Due to the unusual existing parcel delineation, there is a narrow sliver of the Stones Warehouse Site that adjoins the eastern boundary of 517 East Cabarrus Street. With the increased RoW width of Chavis Way taken into account, this sliver is <83' long and ranges from 17' to 20' wide. This sliver will be a demonstration garden plot / landscaped area to support the non-profit project partners dedicated to issues of food security and access. We are respectfully requesting a variance to eliminate the Neighborhood Transition requirements for this sliver of property. The basis for this request is as follows:

- 1) Per UDO Section 3.5.1/B, Zone B (Use Restricted) would not apply to this portion of the property as it is less than 50' in depth. However, even the narrowest 10' Zone A (Protective Yard) would leave only 7'-10' of area, rendering this portion of the site unusable.
- 2) As outlined above, this portion of the property will be used only for demonstration garden / landscaping. Due to the unusual configuration of this sliver of property and the limited use as outlined above, there are no intensive uses or larger-scale buildings that warrant screening.

Variance Request #2

At the 33 linear feet of side property boundary at adjoining parcel 509 East Cabarrus and the 90 linear feet of rear property boundary at adjoining parcels 515 and 517 East Cabarrus, a Zone A (Protective Yard) will be provided per the UDO.

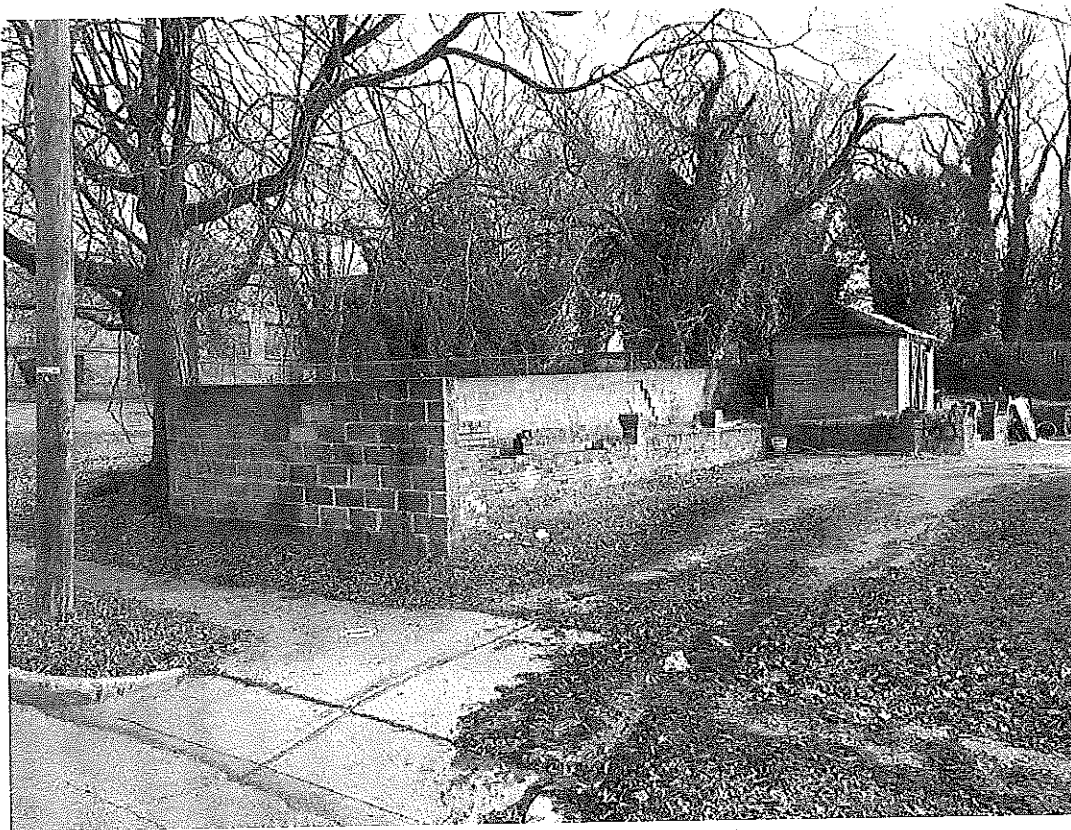
We are respectfully requesting a variance for 138 linear feet of Zone A (Protective Yard) at the rear property boundary at adjoining parcels 501 and 509 East Cabarrus. This variance request includes the following:

- 1) Reduction of the Zone A dimension from 10' to 5'.
- 2) Masonry wall location at the subject property edge of Zone A (rather than at the property line).
- 3) Use of continuous vine pocket and wall-climbing ivy on the subject property side of the wall to meet the wall articulation criteria per UDO Section 7.2.8/B/5. (The articulation criteria on the adjoining property side would be met by brick piers spaced at +/-8' on center.)

The basis for this request is as follows:

- 1) The overall dimensions of the Neighborhood Transition will not be reduced. Zones A and B will still comprise 0' to 50' from the property line. Zone C will still comprise 50' to 100' from the property line.
- 2) 501 East Cabarrus includes an existing concrete block wall that encroaches from 0' at the NW corner to 5' at the NE corner onto the Stones Warehouse property. Additionally, 501 East Cabarrus includes an existing brick masonry retaining wall that creates an upper terrace on that property (see photo next page). These existing conditions on the neighboring property are the basis for the proposed location of the masonry wall. By tying into the point of encroachment at the NE corner, the proposed wall location will minimize the impact on the neighboring property owner by enhancing their existing upper terrace and allowing for any necessary grade adjustments to occur independently on each side of the wall. As part of this proposal, the development team would remove the existing wall and re-grade to appropriately tie into the neighboring property's existing grade at no cost to that property owner.
- 3) The 5' removed from Zone A will be added to the public plaza to increase its size by nearly 10%. The public plaza will be open to the community and will also serve as a pedestrian access to the greenway for residents of Carlton Place.
- 4) The development team met with the property owners of 509 East Cabarrus Street (December 16, 2015) and confirmed that they prefer the landscaping to be located on their side of the wall and are in support of this request. Their response is indicated in the attached letter. As conditions of approval, they requested the following:
 - 6.5' wall height
 - Participation in selection of / approval of landscaping material
 - Development team to extend their existing wood fence on the side property lines to meet the new wall. The development team is amenable to this.
- 5) The development team met with the property owner of 501 East Cabarrus Street (December 6 and 22, 2015) and confirmed that he was supportive of the project and the request. He requested the following:
 - 6.5' wall height

The property owner (Derrick Bailey) did not wish to document his response in writing, but may be contacted directly if needed (919.235.5617).



View of Existing Conditions from SW

This photo illustrates the existing concrete block wall, existing brick masonry wall, and existing topographic conditions at 501 East Cabarrus Street. The wood fence visible in the background is the side property line of 509 East Cabarrus Street.

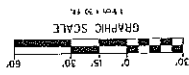
501 East Cabarrus Street

The existing concrete block wall at 501 East Cabarrus encroaches onto the subject property from 0' at this NW corner to @5' at the NE corner. As part of the conditions of the requested variance, the encroaching wall would be removed as part of the project and replaced with the new brick masonry wall.

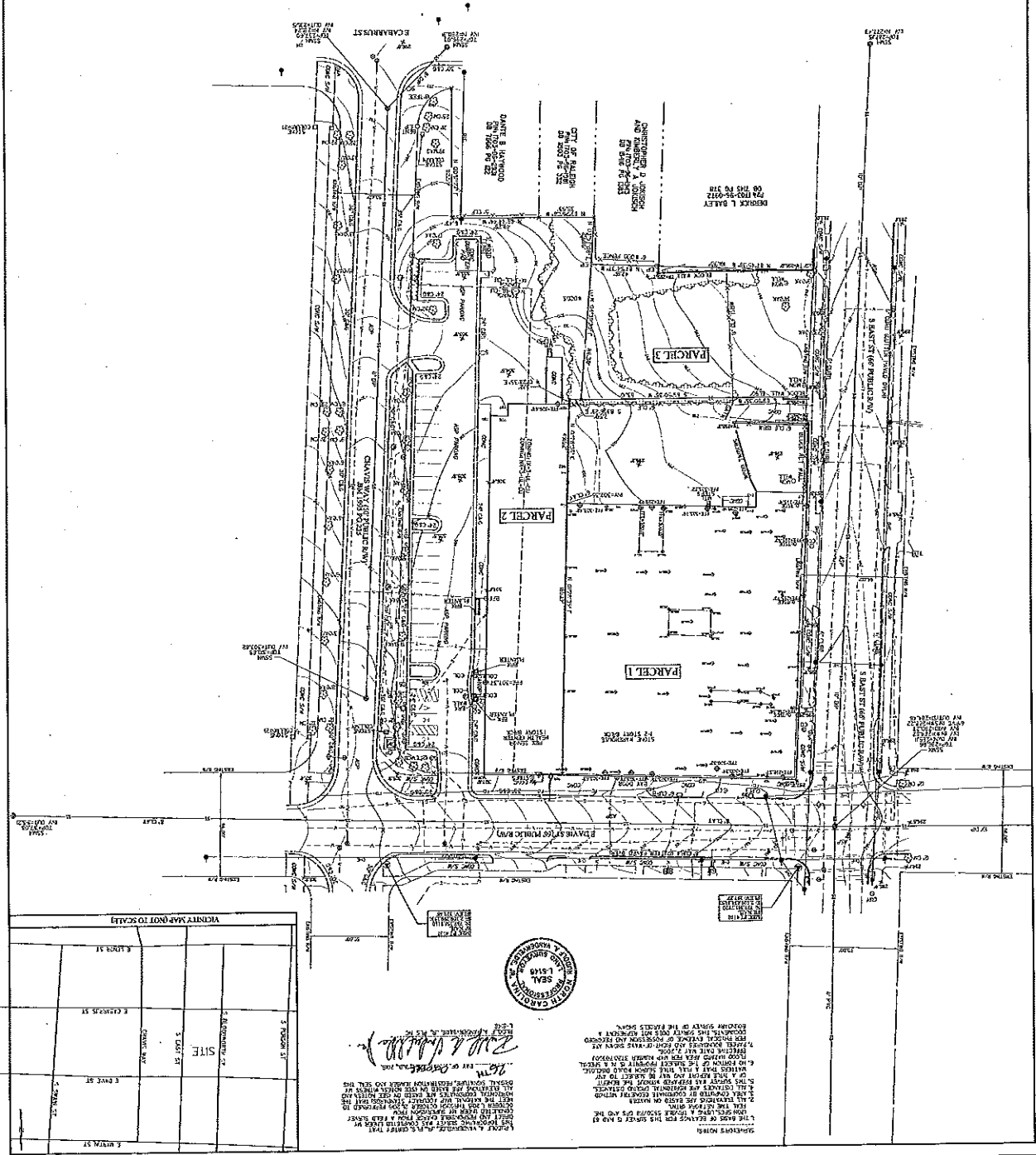
509 East Cabarrus Street

The existing wood fence is visible at the rear of the photo. As part of the conditions of the requested variance, the fence would be extended to tie into the new masonry wall.

REVISIONS	NO	DATE	REMARKS
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City of Raleigh
North Carolina

Inter-Office Memorandum

DATE: December 21, 2015

TO: Stacy Barbour, Senior Planner
Planning Department

FROM: Larry M. Jarvis, Director 
Housing and Neighborhoods Department

SUBJECT: Stone's Warehouse: 500 E. Davie Street; 419 South East Street; and
400 Chavis Way

In 2014, the City of Raleigh undertook an RFP process to select a developer and development plan for the above referenced parcels. The selection of Transfer Development Company was approved by City Council, and in August 2015, the City of Raleigh rezoned these parcels for the approved development plan. The purchase agreement for these parcels has been reviewed and approved by the Housing and Neighborhoods Department and is currently being routed through the City Manager's office. According to the purchase agreement, the closing will occur in the second quarter of 2016.

Based on the above, this serves as confirmation that the City of Raleigh, as the current property owner of the above parcels, is aware of and approves of Transfer Development Company submitting for site plan approval and for building permits for this site.

If you have any questions, please give me a call at 919.996.6947.

December 16, 2015

**Development Services
Customer Service Center**
One Exchange Plaza
1 Exchange Plaza, Suite 400
Raleigh, NC 27601

To Whom it May Concern:

As the property owners of 509 East Cabarrus Street, we met with the development team on December 16, 2015 regarding the proposed development for the Stone's Warehouse site. As part of this development, we understand that they are requesting a variance to allow for a 5' reduction in the landscaped portion of the Neighborhood Transition (Zone A only). We are in support of this request based on the following conditions:

- 1) We understand that the overall dimensions of the Neighborhood Transition will not be reduced. Zones A and B will still comprise 0'-50' from our property line and Zone C will still comprise 50'-100' from our property line.
- 2) We understand that the 5' reduction in the landscaped portion will allow the public courtyard to be increased by 5' to improve its benefit to and use by the neighborhood as a public amenity. We understand that the area of Zones A and B will not be used for outdoor dining or other public gathering space.
- 3) We understand that the development team will install plant selections of our choice (to the extent permitted by the City of Raleigh) in the landscaped area on their property and, if desired by us, up to 5' on our property.
- 4) We understand that the development team will remove our existing rear wood fence and extend our existing side wood fences to tie into the new masonry wall.

Secondly, we understand that a solid brick screen wall will be installed in the landscaped portion and is required to be between 6'-6" and 9' in height. Within this range, we would prefer a height of 6'-6".

Sincerely,

Christopher Jokisch
Kimberly Jokisch

Christopher and Kimberly Jokisch
Property Owners
509 East Cabarrus Street

State of NC, County of Wake
Signed before me on this 5th day
of January 2016 by Kimberly Jokisch and Christopher Jokisch
Notary Public Evan A. Baerette




[Home](#)

Wake County Real Estate Data Account Summary

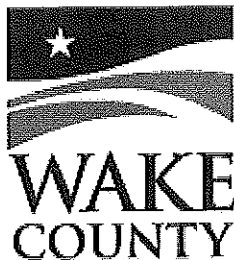
[iMaps](#)
[Tax Bills](#)
Real Estate ID **0042073**PIN # **1703971002**
[Account Search](#)
Location Address
419 S EAST STProperty Description
419 S EAST STREET
[Pin/Parcel History](#) [Search Results](#) [New Search](#)
[NORTH CAROLINA](#) [Account](#) | [Buildings](#) | [Land](#) | [Deeds](#) | [Notes](#) | [Sales](#) | [Photos](#) | [Tax Bill](#) | [Map](#)

Property Owner RALEIGH CITY OF (Use the Deeds link to view any additional owners)		Owner's Mailing Address PO BOX 590 RALEIGH NC 27602-0590	Property Location Address 419 S EAST ST RALEIGH NC 27601-1949
Administrative Data Old Map # B011-B0050-0001 Map/Scale 1703 44 VCS ECRA001 City RALEIGH Fire District Township RALEIGH Land Class EXEMPT ETJ RA Spec Dist(s) Zoning IX-3 History ID 1 History ID 2 Acreage .27 Permit Date 3/9/1992 Permit # 0000008152		Transfer Information Deed Date 4/23/1993 Book & Page 05574 0321 Revenue Stamps 116.00 Pkg Sale Date 4/23/1993 Pkg Sale Price \$58,000 Land Sale Date Land Sale Price Improvement Summary Total Units 0 Recycle Units 0 Apt/SC Sqft Heated Area	Assessed Value Land Value Assessed \$246,981 Bldg. Value Assessed Tax Relief Land Use Value Use Value Deferment Historic Deferment Total Deferred Value Use/Hist/Tax Relief Assessed Total Value Assessed* \$246,981

*Wake County assessed building and land values reflect the market value as of January 1, 2016, which is the date of the last county-wide revaluation. Any inflation, deflation or other economic changes occurring after this date does not affect the assessed value of the property and cannot be lawfully considered when reviewing the value for adjustment.

The January 1, 2016 values will remain in effect until the next county-wide revaluation. Until that time, any real estate accounts created or new construction built is assessed according to the 2016 Schedule of Values.

For questions regarding the information displayed on this site, please contact the Revenue Department at RevHelp@wakegov.com or call 919-856-5400.


[Home](#)

Wake County Real Estate Data Account Summary

[iMaps](#)
[Tax Bills](#)
Real Estate ID **0009677**PIN # **1703972131**Location Address
400 CHAVIS WAYProperty Description
PROP W OF CHAVIS WAY RCMB CITY OF RAL BM1995-00235Account
Search
[Pin/Parcel History](#) [Search Results](#) [New Search](#)

[NORTH CAROLINA](#) [Account](#) | [Buildings](#) | [Land](#) | [Deeds](#) | [Notes](#) | [Sales](#) | [Photos](#) | [Tax Bill](#) | [Map](#)

Property Owner RALEIGH CITY OF (Use the Deeds link to view any additional owners)		Owner's Mailing Address PO BOX 590 RALEIGH NC 27602-0590	Property Location Address 400 CHAVIS WAY RALEIGH NC 27601-1956
Administrative Data Old Map # B011-- Map/Scale 1703 44 VCS ECRA001 City RALEIGH Fire District Township RALEIGH Land Class EXEMPT ETJ RA Spec Dist(s) Zoning NB History ID 1 History ID 2 Acreage .92 Permit Date 4/3/1997 Permit # 0000033055		Transfer Information Deed Date 5/3/1994 Book & Page 06114 0257 Revenue Stamps Pkg Sale Date Pkg Sale Price Land Sale Date Land Sale Price Improvement Summary Total Units 0 Recycle Units 0 Apt/SC Sqft Heated Area 11,720	Assessed Value Land Value Assessed \$251,376 Bldg. Value Assessed \$791,653 Tax Relief Land Use Value Use Value Deferral Historic Deferral Total Deferred Value Use/Hist/Tax Relief Assessed Total Value Assessed* \$1,043,029

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Real Estate ID 0009677

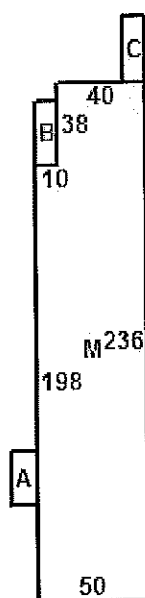
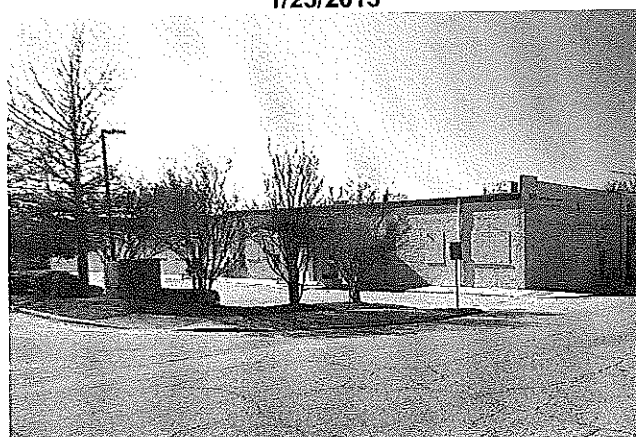
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Account
SearchLocation Address
400 CHAVIS WAYProperty Description
PROP W OF CHAVIS WAY RCMB CITY OF RAL BM1995-00235[Pin/Parcel History](#) [Search Results](#) [New Search](#)[Account](#) | [Buildings](#) | [Land](#) | [Deeds](#) | [Notes](#) | [Sales](#) | [Photos](#) | [Tax Bill](#) | [Map](#)

Building Location Address 400 CHAVIS WAY		Building Description REX SENIOR HEALTH CENTER		Card 01 Of 01	
Bldg Type	36 Medical Office	Year Blt	1935	Eff Year	1969
Units		Addns		Remod	
Heated Area	11,720	Int. Adjust.			
Story Height	1 Story	Other Features	Sprinkler Syste		
Style	Conventional				
Basement	Crawl Space				
Exterior	Brick				
Const Type	Exposed Steel				
Heating	Central				
Air Cond	Central				
Plumbing	Adequate				
		Base Bldg Value		\$1,849,008	
		Grade		25.55	100%
		Cond %		B	42%
		Market Adj.			
		Market Adj.			
		Accrued %			42%
		Incomplete Code			
		Card 01 Value		\$791,653	
		All Other Cards			
		Land Value Assessed		\$251,376	
		Total Value Assessed		\$1,043,029	

Main and Addition Summary					Other Improvements				
Story	Type	Code	Area	Inc	Units	DesItem	Code	Year %ADJ Inc	Value
M	1	BR/CS	11420		4	UN LIGHTCPL	REF	1997 100	0
A	1	CN O	300		42X261	SF PAVASPH	0028	1997 50	15070
B	1	S BR	300						
C	1	DOCK	300						
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E									
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H									

Building Sketch

Photograph
1/25/2015

0009677 01/25/2015

